

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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) AUDIT REFERRAL #04-06

Terrell for Senate and Justin Schmidt, in
his official capacity as treasurer; Former
assistant treasurer Susan Arceneaux, in
her personal capacity; Otto Candies,
L.L.C.; Clean Tank, L.L.C.; Land-Glo,
L.L.C.; Sammy Joe Russo; Julie N.
Murphy; John E. Soileau; Edward L.
Diefenthal; Carolyn Gilmore; M.
Maitland Deland; Republican Jewish
Coalition-Political Action Committee
and Matthew Brooks, in his official
capacity as treasurer; Senate Majority
Fund and Ashley Ragan, in her official
capacity as treasurer; Bluegrass
Committee and Larry Steinberg, in his
official capacity as treasurer; Good
Government for America PAC and
Melinda Anderson, in her official
capacity as treasurer; America's
Foundation fka Fight PAC and Barbara
Bonfiglio, in her official capacity as
treasurer; Defend America PAC and John
Lloyd, in his official capacity as
treasurer; Republican Majority Fund and
Barbara Bonfiglio, in her official
capacity as treasurer; Volunteer PAC and
Dawn Perkerson, in her official capacity
as treasurer; The Carthage Partners, L.C.;
Chaffe, McCall, Phillips, Toler & Sarpy,
L.L.P.; Oncologica; Suzanne Haik
Terrell; First Bank and Trust

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MUR # 5652

CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission executive session, do hereby certify that on April 05, 2005, the Commission took the following actions in the above-captioned matter:

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A. Failed by a vote of 2-3 to pass a motion to:

1. Open a MUR.
2. Find reason to believe that Terrell for Senate and Justin Schmidt, in his official capacity as treasurer, violated 2 U.S.C. § 441b(a), 2 U.S.C. § 441a(f), 2 U.S.C. § 434(b) and 11 CFR §§ 102.17(c)(8)(i)(B) and 104.3(a) and (b), and 2 U.S.C. § 434(a)(6) and 11 CFR § 104.5(f), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.
3. Find reason to believe that former assistant treasurer Susan Arceneaux, in her personal capacity, violated 2 U.S.C. § 441b(a), 2 U.S.C. § 441a(f), 2 U.S.C. § 434(b) and 11 CFR §§ 102.17(c)(8)(i)(B) and 104.3(a) and (b), and 2 U.S.C. § 434(a)(6) and 11 CFR § 104.5(f), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.
4. Find reason to believe that Otto Candies, L.L.C. violated 2 U.S.C. § 441b(a), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.
5. Find reason to believe that Clean Tank, L.L.C. violated 2 U.S.C. § 441b(a), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.
6. Find reason to believe that Land-Glo, L.L.C. violated 2 U.S.C. § 441b(a), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.
7. Find reason to believe that Sammy Joe Russo violated 2 U.S.C. § 441a(a)(1)(A), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.

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8. Find reason to believe that Julie N. Murphy violated 2 U.S.C. § 441a(a)(1)(A), but take no further action; send a letter of admonishment; and close the file as to her.
9. Find reason to believe that John E. Soileau violated 2 U.S.C. § 441a(a)(1)(A), but take no further action; send a letter of admonishment; and close the file as to him.
10. Find reason to believe that Edward L. Diefenthal violated 2 U.S.C. § 441a(a)(1)(A), but take no further action; send a letter of admonishment; and close the file as to him.
11. Find reason to believe that Carolyn Gilmore violated 2 U.S.C. § 441a(a)(1)(A), but take no further action; send a letter of admonishment; and close the file as to her.
12. Find reason to believe that M. Maitland Deland violated 2 U.S.C. § 441a(a)(1)(A), but take no further action; send a letter of admonishment; and close the file as to him.
13. Find reason to believe that Republican Jewish Coalition-Political Action Committee and Matthew Brooks, in his official capacity as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.
14. Find reason to believe that Senate Majority Fund and Ashley Ragan, in her official capacity as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.
15. Find reason to believe that Bluegrass Committee and Larry Steinberg, in his official capacity as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.
16. Find reason to believe that Good Government for America PAC and Melinda Anderson, in her official capacity as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.

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17. Find reason to believe that America's Foundation for Fight PAC and Barbara Bonfiglio, in her official capacity as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.
18. Find reason to believe that Defend America PAC and John Lloyd, in his official capacity as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.
19. Find reason to believe that Republican Majority Fund and Barbara Bonfiglio, in her official capacity as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.
20. Find reason to believe that Volunteer PAC and Dawn Perkerson, in her official capacity as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.
21. Find reason to believe that The Carthage Partners, L.C. violated 2 U.S.C. § 441a(a)(1)(A), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.
22. Find reason to believe that Chaffe, McCall, Phillips, Toler & Sarpy, L.L.P. violated 2 U.S.C. § 441a(a)(1)(A), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.
23. Find reason to believe that Oncologics violated 2 U.S.C. § 441a(a)(1)(A), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.
24. Find reason to believe that Suzanne Haik Terrell violated 2 U.S.C. § 441b(a), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.

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25. Find reason to believe that First Bank and Trust violated 2 U.S.C. § 441b(a), enter into conciliation prior to a finding of probable cause to believe, and approve the conciliation agreement, as recommended in the General Counsel's Report dated March 30, 2005.
26. Find reason to believe that the forty-two (42) corporate contributors, previously excluded as respondents from the General Counsel's Report dated March 30, 2005, violated 2 U.S.C. § 441b(a); instruct the Office of General Counsel to enter into conciliation prior to a finding of probable cause to believe; and approve the appropriate Factual and Legal Analyses and Conciliation Agreements.
27. Approve as Factual and Legal Analyses for Terrell for Senate and Justin Schmidt; Otto Candies, L.L.C.; Clean Tank, L.L.C.; Land-Glo, L.L.C.; Sammy Joe Russo; Republican Jewish Coalition-Political Action Committee and Matthew Brooks; Senate Majority Fund and Ashley Ragan; Bluegrass Committee and Larry Steinberg; Good Government for America PAC and Melinda Anderson; America's Foundation fka Fight PAC and Barbara Bonfiglio; Defend America PAC and John Lloyd; Republican Majority Fund and Barbara Bonfiglio; Volunteer PAC and Dawn Perkerson; The Carthage Partners, L.C.; Chaffe, McCall, Phillips, Toler & Sarpy, L.L.P.; Oncologics; Suzanne Haik Terrell; and First Bank and Trust, the Final Audit Report on Terrell for Senate, approved by the Commission on August 4, 2004.
28. Approve the Factual and Legal Analysis for Susan Arceneaux, as recommended in the General Counsel's Report dated March 30, 2005.
29. Approve the appropriate letters.

Commissioners McDonald and Weintraub voted affirmatively for the motion.

Commissioners Mason, Thomas, and Toner dissented. Commissioner Smith did not vote.

B. Decided by a vote of 4-1 to:

Find reason to believe that Sammy Joe Russo violated 2 U.S.C. § 441a(a)(1)(A),
[REDACTED] as recommended in the General Counsel's Report dated March 30, 2005.

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Commissioners Mason, McDonald, Thomas, and Weintraub voted affirmatively for the decision. Commissioner Toner dissented. Commissioner Smith did not vote.

C. Decided by a vote of 5-0 to:

1. Open a MUR.
2. Find reason to believe that Terrell for Senate and Justin Schmidt, in his official capacity as treasurer, violated 2 U.S.C. § 441b(a), 2 U.S.C. § 441a(f), 2 U.S.C. § 434(b) and 11 CFR §§ 102.17(c)(8)(i)(B) and 104.3(a) and (b), and 2 U.S.C. § 434(a)(6) and 11 CFR § 104.5(f), [REDACTED], as recommended in the General Counsel's Report dated March 30, 2005.
3. Find reason to believe that former assistant treasurer Susan Arceneaux, in her personal capacity, violated 2 U.S.C. § 441b(a), 2 U.S.C. § 441a(f), 2 U.S.C. § 434(b) and 11 CFR §§ 102.17(c)(8)(i)(B) and 104.3(a) and (b), and 2 U.S.C. § 434(a)(6) and 11 CFR § 104.5(f), [REDACTED], as recommended in the General Counsel's Report dated March 30, 2005.
4. Find reason to believe that Otto Candia, L.L.C. violated 2 U.S.C. § 441b(a), [REDACTED], as recommended in the General Counsel's Report dated March 30, 2005.
5. Find reason to believe that Clean Tank, L.L.C. violated 2 U.S.C. § 441b(a), [REDACTED], as recommended in the General Counsel's Report dated March 30, 2005.
6. Find reason to believe that Land-Glo, L.L.C. violated 2 U.S.C. § 441b(a), [REDACTED], as recommended in the General Counsel's Report dated March 30, 2005.
7. Find reason to believe that Julie N. Murphy violated 2 U.S.C. § 441a(a)(1)(A), but take no further action; send a letter of admonishment; and close the file as to her.

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8. Find reason to believe that John E. Soileau violated 2 U.S.C. § 441a(a)(1)(A), but take no further action; send a letter of admonishment; and close the file as to him.
9. Find reason to believe that Edward L. Diefenthal violated 2 U.S.C. § 441a(a)(1)(A), but take no further action; send a letter of admonishment; and close the file as to him.
10. Find reason to believe that Carolyn Gilmore violated 2 U.S.C. § 441a(a)(1)(A), but take no further action; send a letter of admonishment; and close the file as to her.
11. Find reason to believe that M. Maitland Deland violated 2 U.S.C. § 441a(a)(1)(A), but take no further action; send a letter of admonishment; and close the file as to him.
12. Find reason to believe that Republican Jewish Coalition-Political Action Committee and Matthew Brooks, in his official capacity as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), but take no further action; send a letter of admonishment; and close the file as to them.
13. Find reason to believe that Senate Majority Fund and Ashley Ragan, in her official capacity as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), but take no further action; send a letter of admonishment; and close the file as to them.
14. Find reason to believe that Bluegrass Committee and Larry Steinberg, in his official capacity as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), but take no further action; send a letter of admonishment; and close the file as to them.
15. Find reason to believe that Good Government for America PAC and Melinda Anderson, in her official capacity as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), but take no further action; send a letter of admonishment; and close the file as to them.
16. Find reason to believe that America's Foundation fka Fight PAC and Barbara Bonfiglio, in her official capacity as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), but take no further action; send a letter of admonishment; and close the file as to them.
17. Find reason to believe that Defend America PAC and John Lloyd, in his official capacity as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), but take no further action; send a letter of admonishment; and close the file as to them.

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18. Find reason to believe that Republican Majority Fund and Barbara Bonfiglio, in her official capacity as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), but take no further action; send a letter of admonishment; and close the file as to them.
19. Find reason to believe that Volunteer PAC and Dawn Perkerson, in her official capacity as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), but take no further action; send a letter of admonishment; and close the file as to them.
20. Find reason to believe that The Carthage Partners, L.C. violated 2 U.S.C. § 441a(a)(1)(A), [REDACTED] as recommended in the General Counsel's Report dated March 30, 2005.
21. Find reason to believe that Chaffe, McCall, Phillips, Toler & Sarpy, L.L.P. violated 2 U.S.C. § 441a(a)(1)(A), [REDACTED] as recommended in the General Counsel's Report dated March 30, 2005.
22. Find reason to believe that Oncologics violated 2 U.S.C. § 441a(a)(1)(A), [REDACTED] as recommended in the General Counsel's Report dated March 30, 2005.
23. Find reason to believe that Suzanne Haik Terrell violated 2 U.S.C. § 441b(a) [REDACTED] as recommended in the General Counsel's Report dated March 30, 2005.
24. Find reason to believe that First Bank and Trust violated 2 U.S.C. § 441b(a), [REDACTED] as recommended in the General Counsel's Report dated March 30, 2005.
25. Find reason to believe that the forty-two (42) corporate contributors, previously excluded as respondents from the General Counsel's Report dated March 30, 2005, violated 2 U.S.C. § 441b(a); instruct the Office of General Counsel [REDACTED] approve the appropriate Factual and Legal Analyses [REDACTED]

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26. Approve as Factual and Legal Analyses for Terrell for Senate and Justin Schmidt; Otto Candies, L.L.C.; Clean Tank, L.L.C.; Land-Glo, L.L.C.; Sammy Joe Russo; The Carthage Partners, L.C.; Chaffe, McCall, Phillips, Toler & Sarpy, L.L.P.; Oncologics; Suzanne Haik Terrell; and First Bank and Trust, the Final Audit Report on Terrell for Senate, approved by the Commission on August 4, 2004.
27. Approve the Factual and Legal Analysis for Susan Arceneaux, as recommended in the General Counsel's Report dated March 30, 2005.
28. Approve the appropriate letters.

Commissioners Mason, McDonald, Thomas, Toner, and Weintraub voted affirmatively for the decision. Commissioner Smith did not vote.

Attest:

April 6, 2005
Date

Darlene Harris
Darlene Harris
Deputy Secretary of the Commission

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